



VIA ECF

November 9, 2021

The Honorable Brian Martinotti
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

Re: *Martinez-Brooks v. Garland*, 2:21-cv-11307-BRM-JSA Request to File a Sur-Reply

Dear Judge Martinotti,

I am counsel for the Plaintiff in the above-captioned matter. On October 27, 2021, two days after Plaintiff filed her response in opposition (Dkt. 14) to Defendants' motion to dismiss (Dkt. 9), Defendant, Attorney General Merrick Garland, testified before the Senate Judiciary Committee. During that hearing he was questioned about the Office of Legal Counsel Opinion being challenged in this matter. On November 8, 2021, Defendants filed their reply (Dkt. 15) in which they indicate that Attorney General Garland's comments during the hearing support their view that the Bureau of Prison's process is "ongoing." *See id.* at 3-4, n.2.

Plaintiff respectfully requests the opportunity to respond and to file a short sur-reply (less than 3 pages). The sur-reply will be strictly limited to addressing how Attorney General Garland's testimony supports the allegations made in Plaintiff's Complaint and in her response in opposition to the motion to dismiss.

Defendants consent to Plaintiff's request to file a short sur-reply, and a copy of this letter was served on all parties through ECF.

Thank you for your consideration of this matter.

SO ORDERED:

A handwritten signature in black ink, appearing to read "Brian Martinotti".

BRIAN R. MARTINOTTI, U.S.D.J

Dated: 11/10/2021

Respectfully,

A handwritten signature in blue ink, appearing to read "Kara Rollins".

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cc: John Stinson (via ECF)